

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)
of)
MOLOKAI PUBLIC UTILITIES, INC.)
For review and approval of rate)
increases; revised rate schedules;)
and revised rules.)

DOCKET NO. 2009-0048

PUBLIC UTILITIES
COMMISSION

2010 JAN 19 P 2:30

FILED

**COUNTY OF MAUI'S INFORMATION REQUESTS TO
MOLOKAI PROPERTIES, LTD.**

CERTIFICATE OF SERVICE

BRONSTER HOSHIBATA
A Law Corporation
Margery S. Bronster #4750
Jeannette H. Castagnetti #7211
Marguerite S. Nozaki #8599
1003 Bishop Street, Suite 2300
Honolulu, Hawaii 96813
Telephone: (808) 524-5644
Facsimile: (808) 599-1881

DEPARTMENT OF THE CORPORATION
COUNSEL
County of Maui
Brian T. Moto #5421
Jane E. Lovell #7551
Edward S. Kushi, Jr. #2401
200 South High Street
Wailuku, Hawaii 96793
Telephone: (808) 270-7740
Facsimile: (808) 270-7152

Attorneys for County of Maui

**COUNTY OF MAUI'S INFORMATION REQUESTS TO
MOLOKAI PROPERTIES, LTD.**

COUNTY OF MAUI (the "County"), by and through its attorneys, BRIAN T. MOTO, Corporation Counsel, JANE E. LOVELL, Deputy Corporation Counsel, and BRONSTER HOSHIBATA, submits its Information Requests to Molokai Properties, Ltd. pursuant to the Order Approving Proposed Procedural Order, as modified, filed November 6, 2009 and the Stipulated Regulatory Schedule attached as Exhibit A to said Order.

In light of the direct testimony of Robert L. O'Brien (attached as Exhibit MPU-T-100 to Molokai Public Utilities, Inc.'s Amended Application, filed June 29, 2009), which describes, among other things, the relationship between Molokai Public Utilities, Inc. ("MPU") and Molokai Properties, Ltd. ("MPL"), affiliated financial transactions between MPU and MPL, as well as purported recent changes in procedures implemented by MPL for charging MPU and other affiliated entities' utility operations for operating expenses incurred on behalf of the companies, the County requests that MPL respond to and provide the following information:

County-IR-100:

Corporate documents, including articles of incorporation, by-laws, and any amendments to same.

County-IR-101:

Minutes of all shareholder meetings from January 2000 to the present.

County-IR-102:

Minutes of all board of directors meetings from January 2000 to the present.

County-IR-103:

Corporate records reflecting the issuance of stock certificates to any person or entity, the dates of issue, the consideration paid or promised for the stock, and the date(s) on which the consideration was paid or promised.

County-IR-104:

Corporate records reflecting ownership of Kaluakoi Land, LLC, Kaluakoi Water, LLC, and MPU.

County-IR-105:

Financials, including MPL's audited financial statements. If none exist, then provide all unaudited financials for the period January 2000 to the present.

County-IR-106:

For each bank account maintained in the name of MPL, a copy of all monthly statements for the period January 2000 to the present.

County-IR-107:

State and federal tax returns for the period January 2000 to the present.

County-IR-108:

All documents evidencing loans or any transfers among or between MPL and any one or more of the following affiliated entities for the period January 2000 to the present:

- a. MPU
- b. Wai'ola O Moloka'i, Inc. ("WOM")
- c. Mosco, Inc. ("Mosco")
- d. Kaluakoi Water, LLC
- e. Kaluakoi Land, LLC

County-IR-109:

All documents evidencing leases, purchases, sales, assignments, or transfers of land or other assets among or between MPL and any one or more of the following for the period January 2000 to the present:

- a. MPL
- b. WOM

- c. Mosco
- d. Kaluakoi Water, LLC
- e. Kaluakoi Land, LLC

County-IR-110:

All documents evidencing loans, notes payable, or loans guaranteed by MPL for the benefit of MPU for the period January 2000 to the present.

County-IR-111:

All documents reflecting the assets of MPL and the identity of all people or entities who exercise control over MPL's assets.

County-IR-112:

All submissions concerning water and wastewater by MPL to any government authority, including the State of Hawaii, the Public Utilities Commission, and/or the County of Maui for the period January 2000 to the present.

County-IR-113:

All corporate organization charts and/or other documents reflecting employees of MPL and their responsibilities.

County-IR-114:

All contracts, agreements, or other arrangements by and between MPL and any one or more of the following affiliated entities for the period January 2000 to the present:

- a. MPU
- b. WOM
- c. Mosco
- d. Kaluakoi Land, LLC
- e. Kaluakoi Water, LLC

County-IR-115:

All documents evidencing payments made by MPL for utility services provided to MPL by MPU.

County-IR-116:

All documents evidencing charges for utility services provided to MPL by MPU that were not paid.


County-IR-117:

All documents demonstrating efforts since May 27, 2008 to obtain a Water Use Permit for Well 17 from the Commission on Water Resource Management.

County-IR-118:

All documents demonstrating efforts since April 9, 2008 to obtain an environmental assessment or environmental impact statement for the use of excess space in the Molokai Irrigation System transmission pipeline.

DATED: Honolulu, Hawaii, January 19, 2010.



MARGERY S. BRONSTER
JEANNETTE H. CASTAGNETTI
MARGUERITE S. NOZAKI
Bronster Hoshibata

BRIAN T. MOTO
JANE E. LOVELL
EDWARD S. KUSHI, JR.
Department of the Corporation Counsel

Attorneys for County of Maui

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)	
)	DOCKET NO. 2009-0048
of)	
)	
MOLOKAI PUBLIC UTILITIES, INC.)	
)	
For review and approval of rate)	
increases; revised rate schedules;)	
and revised rules.)	
_____)	

CERTIFICATE OF SERVICE

Pursuant to Hawaii Administrative Rules § 6-61-21(d), the undersigned certifies that a true and correct copy of the foregoing document was duly served on the following parties on January 19, 2010, at their last known addresses in the manner specified below:

MICHAEL H. LAU, ESQ. YVONNE Y. IZU, ESQ. SANDRA L. WILHIDE, ESQ. Moriwara Lau & Fong Davies Pacific Center 841 Bishop Street, Suite 400 Honolulu, Hawaii 96813 Attorneys for Applicant MOLOKAI PUBLIC UTILITIES, INC.	<u>HAND DELIVERY</u>
---	-----------------------------

DEAN NISHINA Executive Director Consumer Advocate Department of Commerce and Consumer Affairs Division of Consumer Advocacy 335 Merchant Street, Room 326 Honolulu, Hawaii 96813	<u>HAND DELIVERY</u> (3 copies)
--	---

WILLIAM W. MILKS, ESQ.
American Savings Bank Tower
1001 Bishop Street, Suite 977
Honolulu, Hawaii 96813
Attorney for Intervenor
WEST MOLOKAI ASSOCIATION

U.S. MAIL

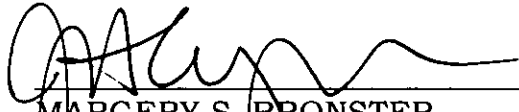
CHERYL SAKAMOTO
P.O. Box 344
Maunaloa, Hawaii 96770
Intervenor STAND FOR WATER

U.S. MAIL

ANDREW V. BEAMAN, ESQ.
Chun Kerr Dodd Beaman & Wong
Topa Financial Center, Fort Street Tower
745 Fort Street, 9th Floor
Honolulu, Hawaii 96813
Attorney for MOLOKAI PROPERTIES, LTD.

HAND DELIVERY

DATED: Honolulu, Hawaii, January 19, 2010.



MARGERY S. BRONSTER
JEANNETTE H. CASTAGNETTI
MARGUERITE S. NOZAKI
Bronster Hoshibata

BRIAN T. MOTO
JANE E. LOVELL
EDWARD S. KUSHI, JR.
Department of the Corporation Counsel

Attorneys for County of Maui